




UNITED STATES PATENT AND TRADEMARK OFFICE


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,997	02/08/2006	Ping Ding	60295-USA2	9442
7590		08/14/2007		
John M. Sheehan FMC Corporation 1735 Market Street Philadelphia, PA 19103			EXAMINER CHU, YONG LIANG	
			ART UNIT 1626	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,997	DING ET AL.	
	Examiner	Art Unit	
	Yong Chu	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-83 is/are pending in the application.
- 4a) Of the above claim(s) 81 and 82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 75-80, and 83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/21/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 75-83 are new by the Amendment filed on 05/21/2007. Claims 75-83 are pending in this application.

Information Disclosure Statement

Applicant's Information Disclosure Statement, filed on 05/21/2007, has been considered. Please refer to Applicant's copy of the PTO-1449 submitted herewith.

Response to Arguments

The Amendment filed on 05/21/2007 has been entered.

Response to Arguments

Claim rejection under 35 U.S.C. §112(ii)

Applicant has cancelled the rejected claims 31-32 and 36-40. Therefore, the rejection is moot.

Claim rejection under 35 U.S.C. §102(b)

Applicant has cancelled the rejected claims 1, 2, 6, 7, 16, 17, 21, 22, 32, 36 and 37. Therefore, the rejection is moot.

Claim rejection under 35 U.S.C. §103(a)

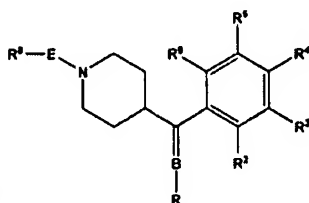
Applicant has cancelled the rejected claims 1, 2, 6, 7, 16, 17, 21, 22, 32, 36 and 37. Therefore, the rejection is moot.

Status of the Claims

Claims 81 and 82 are further withdrawn from further consideration by the Examiner as being drawn to non-elected inventions under 37 CFR 1.142(b) due to

restriction requirement on the cancelled method claims in the previous Office action dated on 07/27/2006.

The elected and examined subject matter has been extended to a reasonable degree to include the subject matter wherein **B** is $-\text{NNR}^{15}\text{SO}_2$. Consequently, the elected and examined subject matter is as follows:



A compound of formula

depicted in claim 75, wherein:

B is $\text{NNR}^{15}\text{C}(=\text{O})^*$, and $\text{NNR}^{15}\text{SO}_2^*$, wherein R^{15} is H or alkyl, where the asterisk denotes attachment to **R**; and the remaining substituents are defined as in claim 75.

As a result of the election and the corresponding scope of the invention identified supra, claims the remaining subject matter of claims 75-80, and 83, wherein a compound having **B** as $\text{R}^{15}\text{C}(=\text{O})\text{NR}^{16*}$, is withdrawn from further consideration pursuant to 37 CFR 1.142 (b) as being drawn to non-elected inventions. The withdrawn compounds contain varying functional groups, which are chemically recognized to differ in structure, function, and reactivity. In addition, a reference that anticipates one invention would not render obvious the other invention. Therefore, claims 75-80, and 83 will be examined on the merits.

Claim Objections

Claim 75 is objected to for using inconsistent "Formula I" with the Specification. In order to avoid confusion, Applicant needs to rename the "Formula" in claim 75 appropriately.

Claims 75-80, and 83 are objected to for containing elected and non-elected subject matter. The elected subject matter has been identified supra.

Conclusion

Claims 75-80, and 83 are objected.

This application contains claims 75-80, and 83 drawn to an invention nonelected with traverse in response to restriction requirement on 07/27/2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Telephone Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached between 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)


Yong Chu, Ph.D.
Patent Examiner
Art Unit 1626


REBECCA ANDERSON
PRIMARY EXAMINER


Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626